

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TIMOTHY ROBERSON,)
)
Plaintiff,)
)
v.) **No. 3:11-0117**
) **Judge Sharp**
TENNESSEE DEPARTMENT OF)
CORRECTION, *et al.*,)
)
Defendants.)

ORDER

More than a year after Plaintiff, a *pro se* prisoner, filed this action under 42 U.S.C. § 1983 alleging that Defendants deprived him of adequate medical care by refusing to allow him to undergo hip replacement surgery, Plaintiff filed a Motion for Leave to File an Amended Complaint (Docket No. 85) to add a claim for “five years aftercare as relief due to damage.” (*Id.* at 2). The Magistrate Judge has issued a Report and Recommendation (“R & R”) (Docket No. 105) in which he recommends denial of the Motion to Amend.

Despite being specifically advised in the R & R that any objections needed to be filed within fourteen days after service, Plaintiff has filed no objections to the R & R. He, therefore, has waived any claim of error. See, Fed. R. Civ. P. 72(a).

In any event, because the R & R does not pertain to a dispositive motion, this Court’s review is limited to determining whether the R & R is “clearly erroneous or contrary to law.” *Id.* It is not.

The Motion to Amend was filed five months after the deadline for amending pleadings set forth in the Amended Scheduling Order (Docket No. 46). As the Magistrate Judge correctly observed, Plaintiff has not provided good cause for revision of this scheduling order as required by

Fed. R. Civ. P. 16(b)(4).

Accordingly, the R & R (Docket No. 105) is hereby ACCEPTED and APPROVED.

Plaintiff's Motion for Leave to File an Amended Complaint (Docket No. 85) is hereby DENIED.

It is SO ORDERED.


Kevin H. Sharp
KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE